

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ROBERT MENENDEZ, NADINE MENENDEZ,
WAEL HANA, JOSE URIBE, and FRED DAIBES,

Defendants.

23-Cr-490 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge.

On December 20, 2023, defendants jointly sought a two-month adjournment of the commencement of the trial of this action from May 6, 2024, to early July 2024. They also requested two modifications to the pretrial motion schedule, consisting of a one-week adjournment of the then-current deadline to January 15, 2024, and a bifurcation of the motion schedule that would set a second deadline of March 8, 2024, for certain defense motions. (See ECF No. 105 at 1.) The Court granted the first requested modification, and set January 15, 2024, as the deadline for defense motions. (See ECF No. 106.)

For the following reasons, the defense requests to adjourn the trial date and to bifurcate pretrial motions are denied.

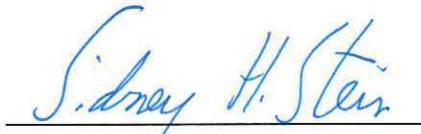
At the initial pretrial conference on October 2, 2023, the Court heard argument from the parties and set a schedule for, *inter alia*, submitting defense motions and the commencement of trial, with no party objecting. There has been no material change since then in the parties' circumstances. The fact that discovery has been voluminous is consistent with the parties' stated expectations on October 2 and does not justify a two-month adjournment of the schedule. In fact, the volume of discovery material is less than defendants were concerned it was when they sought the adjournment on December 20. While an inadvertent error made by a discovery vendor led defendants to believe that they had received 735 terabytes of data, defendants actually had received "only" three terabytes of data. (ECF No. 110.) While three terabytes is concededly a substantial amount of data, it is but a tiny fraction of what defendants believed they had on their plates to digest and is consistent with the expectations voiced at the initial pretrial conference that discovery would be voluminous. Additionally, the Government asserts that the discovery materials were produced in database load-ready format along with "a detailed, text-searchable index identifying the material by control number range with reasonable specificity." (ECF No. 111 at 2.) The Court expects that these measures will aid in defendants' review of the discovery materials and that the Government will engage in good-faith efforts to assist defendants in navigating the document production

upon request. Indeed, the Government states that it has "repeatedly offered to answer any questions the defense may have concerning where to find materials in discovery." (*Id.* at 3.)

Accordingly, IT IS HEREBY ORDERED that defendants' request to adjourn the commencement of trial to early July and to bifurcate the submission of pretrial motions is denied. The pretrial schedule is as follows: the deadline for pretrial motions is adjourned to January 15, 2024; any response by the Government shall be filed on or before February 5, 2024; any reply is due by February 12, 2024; and the commencement of the trial of this action remains at Monday, May 6, 2024, at 9:30 a.m. in Courtroom 23A.

Dated: New York, New York
December 28, 2023

SO ORDERED:


Sidney H. Stein
Sidney H. Stein, U.S.D.J.